

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TRISTAR INVESTORS, INC.,

Plaintiff,

v.

AMERICAN TOWER CORPORATION,
AMERICAN TOWERS LLC, AMERICAN
TOWERS INC., AMERICAN TOWER
GUARANTOR SUB, LLC, AMERICAN
TOWER HOLDING SUB, LLC, AMERICAN
TOWER ASSET SUB, LLC, AMERICAN
TOWER ASSET SUB II, LLC, AMERICAN
TOWER MANAGEMENT, LLC,
AMERICAN TOWER L.P., SPECTRASITE
COMMUNICATIONS, LLC, and
AMERICAN TOWER, LLC,

Defendants.

AMERICAN TOWER, LLC, SPECTRASITE
COMMUNICATIONS, LLC, and
AMERICAN TOWERS, LLC,

Counter-Plaintiffs,

v.

TRISTAR INVESTORS, INC., DAVID IVY,
ED WALLANDER, ROBERT GILES,
DALE GILARDI, JERRY VOGL,
JOHN LEMMON, MICHAEL MACKEY,
and MATT NEWTON,

Counter-Defendants.

CIVIL ACTION NO. 3:12-CV-499-M

**AGREED MOTION SETTING TIME TO ANSWER OR
OTHERWISE RESPOND TO COUNTER-PLAINTIFFS' CLAIMS
AGAINST COUNTER-DEFENDANTS**

Counter-Defendants TriStar Investors, Inc. (“TriStar”), David Ivy, Ed Wallander, Robert Giles, Dale Gilardi, Jerry Vogl, John Lemmon, Michael Mackey, and Matt Newton (collectively, “Individual Counter-Defendants”) file this Agreed Motion Setting Time to Answer or Otherwise Respond to Counter-Plaintiffs’ Claims Against Counter-Defendants, and would respectfully show as follows:

1. On January 22, 2013, Counter-Plaintiffs American Tower, LLC, Spectrasite Communications, LLC, and American Towers, LLC (collectively, “Counter-Plaintiffs”) filed its First Amended Answer, Affirmative Defenses, and Counterclaims to Plaintiff’s First Amended Complaint (“Defendants’ New Pleading”), which asserted amended counterclaims against TriStar and filed new claims against the Individual Counter-Defendants, who were added to the case by virtue of the new pleading.

2. Under the Rules, TriStar’s time to answer or otherwise respond to the Defendants’ New Pleading is February 8, 2013.

3. The Individual Counter-Defendants have agreed to waive formal service of process and under the Rules, their response to Defendants’ New Pleading is due April 5, 2013.

4. The Parties have agreed to set the time for both TriStar and the Individual Counter-Defendants to answer or otherwise respond to Defendants’ New Pleading as March 5, 2013. The Individual Counter-Defendants and TriStar respectfully request the Court to enter an Order memorializing this agreement by setting March 5, 2013 as the date for TriStar and the Individual Counter-Defendants to answer or otherwise respond to Defendants’ New Pleading.

5. This Motion is not brought in bad faith, will not prejudice either party, and is not brought for any improper purpose.

WHEREFORE, the Individual Counter-Defendants and TriStar respectfully request that this Court grant this extension, up to and including March 5, 2013, for Counter-Defendants and TriStar to answer or otherwise respond to Defendants' New Pleading.

Respectfully submitted,

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Counsel for Plaintiff and Counter-Defendants

CERTIFICATE OF CONFERENCE

I, the undersigned, do hereby certify that I conferred with counsel for Counter-Plaintiffs, and they agree to the relief sought in this Motion.

/s/ Matthew R. Stammel

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2013, I served a true and accurate copy of the foregoing document on all counsel of record via filing of the same with the Court's CM/ECF system.

/s/ Matthew R. Stammel